

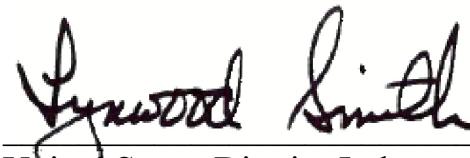
**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ONTOURUS FRONDESSE)
PORTER,)
)
Petitioner,)
)
vs.) **Civil Action No. CV 04-S-3458-S**
)
WARDEN RALPH HOOKS and)
TROY KING, ATTORNEY)
GENERAL FOR THE)
STATE FOR ALABAMA,)
)
Respondents.)

MEMORANDUM OF OPINION

The court has considered the entire file in this action, together with the Magistrate Judge's Report and Recommendation, and has reached an independent conclusion that the Magistrate's Report is due to be adopted, and his Recommendation approved. Accordingly, the court adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of this court. In accordance with the recommendation, the petition for writ of habeas corpus filed by Ontourus Frondesse Porter is due to be denied and dismissed with prejudice. An appropriate order will be entered.

DONE this 13th day of December, 2006.



Lynnwood Smith
United States District Judge